(1)

C.L/100/003

(1)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 2753 / 2005

Petitioner : DR. DURGA SHANAKAR PATEL,
S/o Shri Babulal Patel,
Aged about 31 years,
R/o Bhadicona. Tah- Dabhara
Distt. Janjgir -Chmpa. (C.G.)

Versus

Respondents :1. State of Chhattisgarh,
Through the Secretary,
Health Education Department,
D.K.S. Bhawan Raipur.

2. The Director,
Health & Medical Education,
State of Chhattisgarh,
D.S.K. Campus, Raipur (C.G.)

3. The Dean.
Pandit Jawaharlal Nehru Memorial college, Raipur (C.G.)

4. Dr. Dinesh Sinha S/o Shri Kamta Prasad Sinha aged about 27 years R/o Thakurdiya Post. Badejail Kurd Thana - Pithora
Distt. - Mahasamund (C.G.)

P.R. No. 2252/05
Presented by Shri D Dashmukh
Dated 24/6/05

4778/05
23/6/05

WRIT PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE WRIT, WRITS, DIRECTION ETC TO DO JUSTICE IN THE MATTER.

RECEIVED-COPY
24.6.05
CLERK to A. G. BILASPUR

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 2753/ **सन्** **2005**

..... **विरुद्ध** .....

082

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	26-7-2005 Shri P. Diwakar, Sr. Advocate with Shri Vijay Deshmukh, Advocate for the petitioner. Shri V.V.S. Murthy, Deputy Advocate General with Shri Devesh Verma, Panel Lawyer for the State/respondents No.1 to 3. Heard both the counsel. The petitioner has preferred this writ petition being aggrieved by the action of respondents No.2 and 3 whereby respondents No.2 and 3 are not admitting the petitioner in the P.G. Degree Course in the M.D. Anesthesia in the session 2005. The case of the petitioner is that he appeared in the Combined Entrance Test for various P. G. Courses which was conducted for the session 2004-05, 2005-06 and 2006-07 and the petitioner secured 6th position in the waiting list. Further case of the petitioner is that during this year for the session 2005-06 the waiting list up to 5th candidate i.e. Dr. Dinesh Sinha stands cleared and said Dr. Dinesh Sinha was admitted in the P.G. Course in the M.D. Anesthesia. However, said Dr. Dinesh Sinha failed to take admission till the last date i.e. 31st May 2005, therefore, on account of that the said seat has fallen vacant, therefore, the petitioner being the next candidate in the waiting list, he ought to have been admitted against the said vacant seat. This position has not been disputed by respondents. Their only defence is that in view of the directions of the Hon'ble Apex Court in the matter of **MRIDUL DHAR (MINOR) AND ANOTHER V. UNION OF INDIA AND OTHERS** reported in **2005 AIR SCW 471** the time schedule for completion of the admission process has been fixed 31st May 2005 as a	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.2753/ **सन्** 2005

..... **विरुद्ध** .....

093

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

last day for admission to the Post Graduate Courses and since the last date has already expired, therefore, in view of the Hon'ble Apex Court's directions they are unable to give admission to the petitioner.

Learned counsel for the petitioner submitted that since the seat has fallen vacant on account of not taking admission by Dr. Dinesh Sinha, as such the Court taking note of that fact direct the respondents to admit the petitioner against the vacant seat. The Hon'ble Apex Court after discussing the **Madhu Singh**'s case laying down the schedule for completion of the various stages of admission process has categorically held that beyond the time schedule fixed by the Court no admission should be allowed.

It is admitted position that for the Post Graduate Courses last date for admission was 31st May 2005 and that has already elapsed, in such a situation, no direction can be given to the respondents for admitting the petitioner against the vacant seat in the Post Graduate Degree Course in the M.D. Anesthesia.

In the result, the writ petition is liable to be dismissed and it is accordingly dismissed. No costs.

Consequently, M.(W.)P. No.2287/2005 also stands dismissed.

Sd/-
L.C. Bhadoo
Judge

Barve

(पीछे देखिये)